



Monday,
November 22, 1999

Part XLIII

Railroad Retirement Board

Semiannual Regulatory Agenda

Railroad Retirement Board (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next 12

months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, (312) 751-4513, FAX (312) 751-7102, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: No Regulatory Plan entries have been

included for this edition of the Railroad Retirement Board's semiannual regulatory agenda. Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda.

Dated: September 2, 1999

By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4058	Plan of Operation During a National Emergency	3220-AB36
4059	Remuneration	3220-AB38
4060	Registration for Railroad Unemployment Benefits; Determination of Daily Benefit Rate; Sickness Benefits; Duration of Normal and Extended Benefits	3220-AB39
4061	Family Relationships	3220-AB40
4062	Determining Disability	3220-AB41
4063	Determining Disability	3220-AB42
4064	Evidence Required for Payment	3220-AB43

Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4065	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
4066	Employees Under the Railroad Retirement Act	3220-AA52
4067	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
4068	Voluntary Quit	3220-AA75
4069	Determining Disability	3220-AA99
4070	Requests for Reconsideration and Appeals Within the Board	3220-AB03
4071	Creditable Railroad Compensation	3220-AB23
4072	Finality of Decisions Regarding Unemployment and Sickness Insurance Benefits	3220-AB25
4073	General Administration	3220-AB35

Railroad Retirement Board (RRB)

Proposed Rule Stage

4058. PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 375

Legal Deadline: None

Abstract: The Board proposes to update its plan of operation during a

national emergency to reflect recent reorganizations within the Board.

Timetable:

Action	Date	FR Cite
NPRM	08/17/99	64 FR 44670
NPRM Comment Period End	10/18/99	
Final Action	01/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3220-AB36

4059. REMUNERATION

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 362(l)

RRB

Proposed Rule Stage

CFR Citation: 20 CFR 322**Legal Deadline:** None

Abstract: The Railroad Retirement Board is amending part 322 of its regulations to reflect statutory changes that may affect the payment of unemployment or sickness benefits to railroad employees under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AB38

4060. REGISTRATION FOR RAILROAD UNEMPLOYMENT BENEFITS; DETERMINATION OF DAILY BENEFIT RATE; SICKNESS BENEFITS; DURATION OF NORMAL AND EXTENDED BENEFITS

Priority: Substantive, Nonsignificant**Legal Authority:** 45 USC 322(i); 45 USC 362(l)**CFR Citation:** 20 CFR 325; 20 CFR 330; 20 CFR 335; 20 CFR 336**Legal Deadline:** None

Abstract: The Board amends its regulations to incorporate amendments made to the Railroad Unemployment Insurance Act by Public Law 104-251.

Timetable:

Action	Date	FR Cite
NPRM	11/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AB39

4061. FAMILY RELATIONSHIPS

Priority: Substantive, Nonsignificant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 222**Legal Deadline:** None

Abstract: The Board amends its regulations to clarify how it uses appropriate State law, particularly State inheritance laws, to determine when an individual is the child of the employee.

Timetable:

Action	Date	FR Cite
NPRM	11/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AB40

4062. • DETERMINING DISABILITY

Priority: Substantive, Nonsignificant**Legal Authority:** 45 USC 231f(b)**CFR Citation:** 20 CFR 220.143**Legal Deadline:** None

Abstract: The amendment to 220.143 updates earnings guidelines used to determine when a disabled individual is presumptively engaged in substantial gainful activity.

Timetable:

Action	Date	FR Cite
NPRM	11/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

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RIN: 3220-AB41

4063. • DETERMINING DISABILITY

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 45 USC 231a; 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 220.186**Legal Deadline:** None

Abstract: The Board proposes to amend section 220.186 of its disability regulations to eliminate continuing disability review of disability annuitants in cases where medical improvement is not expected.

Timetable:

Action	Date	FR Cite
NPRM	01/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AB42

4064. • EVIDENCE REQUIRED FOR PAYMENT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 45 USC 231f**CFR Citation:** 20 CFR 219.6**Legal Deadline:** None

Abstract: The Board amends section 219.6 to permit the use of non-certified copies of documents, or facsimile copies of records or documents that are required to establish eligibility for benefits under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/00	

RRB

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 3220-AB43

Railroad Retirement Board (RRB)

Long-Term Actions

**4065. EMPLOYERS UNDER THE
RAILROAD RETIREMENT ACT;
EMPLOYERS UNDER THE RAILROAD
UNEMPLOYMENT INSURANCE ACT**
Priority: Other Significant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)**CFR Citation:** 20 CFR 202; 20 CFR 301**Legal Deadline:** None

Abstract: The Board is considering revisions to existing parts 202 and 301 of the RRB's regulations defining entities covered as employers under the Railroad Retirement and Railroad Unemployment Insurance Acts to reflect case-by-case adjudications that have occurred since the regulations were originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 3220-AA51**CFR Citation:** 20 CFR 203**Legal Deadline:** None

Abstract: The Board is considering revising existing part 203 of the RRB's regulations defining individuals covered as employees under the Railroad Retirement Act to reflect case-by-case adjudications that have occurred since the regulations were originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal

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RIN: 3220-AA52
**4067. REDUCTION AND NON-
PAYMENT OF ANNUITIES BY REASON
OF WORK**
Priority: Other Significant**Legal Authority:** 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 230**Legal Deadline:** None

Abstract: The Railroad Retirement Board (Board) amends 20 CFR part 230 to explain how annuity deductions on

account of work are assessed in
accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	08/16/95	60 FR 42482
NPRM Comment Period End	09/25/95	60 FR 43999
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3220-AA61**4068. VOLUNTARY QUIT****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 362(l)**CFR Citation:** 20 CFR 328**Legal Deadline:** None

Abstract: A new part 328 is added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3220-AA75
**4066. EMPLOYEES UNDER THE
RAILROAD RETIREMENT ACT**
Priority: Other Significant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)

RRB

Long-Term Actions

4069. DETERMINING DISABILITY**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231a; 45 USC 231f**CFR Citation:** 20 CFR 220.114**Legal Deadline:** None**Abstract:** Section 114 of part 220 is being amended to expand the Board's description of the manner in which symptoms, including pain, are evaluated for purposes of determining disability.**Timetable:**

Action	Date	FR Cite
NPRM	09/11/95	60 FR 47122
NPRM Comment Period End	11/13/95	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AA99**4070. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 45 USC 231f(b)(5); 45 USC 231g; 45 USC 355**CFR Citation:** 20 CFR 260**Legal Deadline:** None**Abstract:** The RRB is amending its regulations to provide for its field offices to make timeliness determinations on requests for reconsideration of decisions of the RRB's various adjudicating units.**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
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Fax: 312 751-7102**RIN:** 3220-AB03**4071. CREDITABLE RAILROAD COMPENSATION****Priority:** Other Significant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 211.3**Legal Deadline:** None**Abstract:** The RRB amends its regulations regarding the creditability of pay for time lost to prohibit the crediting of pay for time lost beyond the date of a judgment or settlement, or in the absence of a judgment or settlement, beyond the date of payment. The Labor Member of the RRB dissents from this proposal and recommends allowing the crediting of pay for time lost in these circumstances when the accompanying railroad retirement taxes are paid on the compensation.**Timetable:**

Action	Date	FR Cite
NPRM	12/04/97	62 FR 61488
NPRM Comment Period End	02/02/98	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB23**4072. FINALITY OF DECISIONS REGARDING UNEMPLOYMENT AND SICKNESS INSURANCE BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 355; 45 USC 361(l)**CFR Citation:** 20 CFR 349**Legal Deadline:** None**Abstract:** This new part explains when the RRB will reopen a final determination on a claim for benefits under the Railroad Unemployment Insurance Act.**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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Fax: 312 751-7102**RIN:** 3220-AB25**4073. GENERAL ADMINISTRATION****Priority:** Info./Admin./Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)**CFR Citation:** 20 CFR 200**Legal Deadline:** None**Abstract:** The Board proposes to amend its regulations which describe its organization and general course of operations to reflect recent reorganizations.**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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